

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MOSAIC POTASH CARLSBAD, INC.,

Plaintiff,

vs.

Civ. No. 16-808 KG/SMV

INTREPID POTASH, INC.,
INTREPID POTASH-NEW MEXICO, LLC,
STEVE GAMBLE,

Defendants.

ORDER DENYING MOTION TO DISMISS,
OR IN THE ALTERNATIVE, TO STAY (DOC. 20)

This matter comes before the Court upon Defendants Intrepid Potash, Inc.'s and Intrepid Potash-New Mexico, LLC's Motion to Dismiss, or in the Alternative, to Stay (Motion to Dismiss, or in the Alternative, to Stay), filed September 19, 2016. (Doc. 20). Plaintiff responded on October 3, 2016, and Defendants Intrepid Potash, Inc. and Intrepid Potash-New Mexico, LLC (collectively, Intrepid) filed a reply on October 26, 2016. (Docs. 26 and 29). On October 26, 2017, the Court held a hearing on the Motion to Dismiss, or in the Alternative, to Stay. At that hearing, Kathryn Brack Morrow and Forrest Tahdooahnippah represented Plaintiff, Scotty Holloman and John Husband represented Intrepid, and Defendant Steve Gamble represented himself.

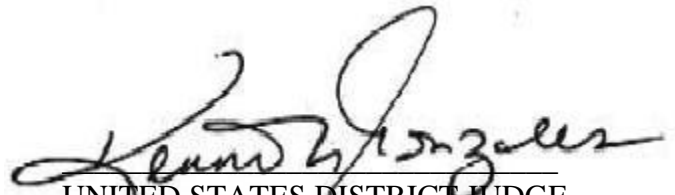
Having considered (1) the Motion to Dismiss, or in the Alternative, to Stay, (2) the accompanying briefing, (3) the arguments and comments by counsel and Mr. Gamble made at the October 26, 2017, hearing, and (4) the relevant law, and for the reasons stated on the record at the October 26, 2017, hearing,

IT IS ORDERED that

1. Defendants Intrepid Potash, Inc.'s and Intrepid Potash-New Mexico, LLC's Motion to Dismiss, or in the Alternative, to Stay (Doc. 20) is denied;

2. by 5:00 p.m. on October 31, 2017, counsel and Mr. Gamble will communicate to chambers via email whether they, in principle, have agreed to use in this case discovery produced with respect to the parallel state court case; and

3. each party will bear its own costs incurred with respect to Defendants Intrepid Potash, Inc.'s and Intrepid Potash-New Mexico, LLC's Motion to Dismiss, or in the Alternative, to Stay (Doc. 20).



UNITED STATES DISTRICT JUDGE